

REMARKS

Claim 1 has been amended.

Claims 2-20 have been added.

Claims 1-20 are pending.

Claim Rejections

35 U.S.C. §112

The Office Action rejected Claim 1 under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The limitation of the claim is indefinite because “consisting” has the opposite meaning of “not limited to”. Furthermore, there is no support for the “means of attachment” in the specification. Applicant has amended Claim 1 to address both issues raised by the Examiner.

35 U.S.C. §103

The Office Action rejected Claim 1 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,964,420 to Hampton in view of U.S. Patent No. 5,092,526 to Takata. Applicant respectfully traverses the rejection. There is no teaching or suggestion in the references for combining the two references resulting in the combination as suggested by the Examiner. As individually taken and as a whole, both references put some sort of blade *at* the location where two fluid flows occurs to exploit the effects in that specific location. Applicant has specifically placed a material flow control *upstream* of the particulate flow

secondary tube, which specifically does not interfere or alter the natural Venturi effects. Both Hampton and Takata place blade mechanisms in the area of flow combination to modify or otherwise affect the forces of the venturi effect. See for example, elements 30, 35 in Takata and blade 24 in Hampton. Therefore, Applicant's claimed invention, and Takata and Hampton, individually and combined, teach away from each other.

Furthermore, Examiners proposed combination would result in the destruction of both Takata and Hampton. Since all claim elements must be considered in a combination, Applicant now shows how the destruction occurs. If the inventions were combined, the rotating blade 24 in Hampton would be so close to the elements 29, 30, 35 of Takata, that when rotated would press up against elements 29, 30 and 35 not only interfering with the desired functions of both inventions but by also interfering with the Venturi effect that simply cannot be speculated without having the actual apparatus in existence. As such, the combination is improper.

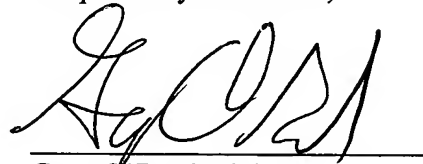
Applicant has amended Claim 1 to more clearly recite the novelty and non-obviousness of the claimed invention and to address the claim objections raised in the Office Action.

New Claims

New Claims 2-20 have been added to recite the novelty and non-obviousness of the claimed invention for which support can be found in the specification.

If Examiner has any questions regarding this document, Applicant asks that Examiner contact the undersigned immediately by telephone.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. O'Bradovich", written over a horizontal line.

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